

**Senate File 450 - Introduced**

SENATE FILE 450  
BY COMMITTEE ON LOCAL  
GOVERNMENT

(SUCCESSOR TO SF 98)

**A BILL FOR**

1 An Act relating to the authority of certain counties to provide  
2 emergency medical service and including effective date  
3 provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 331.386 County authority relating  
2 to emergency medical service.

3 1. As used in this section and section 331.387, unless the  
4 context otherwise requires:

5 a. "Commission" means an emergency medical service  
6 commission established under section 331.387.

7 b. "Special purpose district" means a chapter 28E agency  
8 authorized by law to provide emergency medical services, an  
9 emergency medical services district under chapter 357F, a city  
10 emergency medical services district under chapter 357G, or an  
11 emergency response district under chapter 357J.

12 2. In lieu of the authority to provide emergency medical  
13 service under section 331.385, a county with a population  
14 between twenty thousand five hundred and twenty thousand eight  
15 hundred, a population between eighty thousand and ninety  
16 thousand, or a population between one hundred thousand and one  
17 hundred five thousand may provide emergency medical service  
18 for all incorporated and unincorporated areas of the county,  
19 including areas located outside of the county if applicable  
20 under subsection 5, pursuant to this section and section  
21 331.387 if, except as provided in subsection 5, paragraph "b",  
22 each city located in whole or in part in the county, each  
23 township in the county, and the board enter into an agreement  
24 for the county to provide emergency medical service on a  
25 countywide basis.

26 3. Each county electing to provide emergency medical  
27 service under subsection 2 shall:

28 a. Adopt a resolution stating the reason for providing  
29 emergency medical service.

30 b. Establish a commission under section 331.387 as soon as  
31 practicable following adoption of the resolution required in  
32 paragraph "a".

33 c. Provide emergency medical service in the county according  
34 to a transition plan proposed by the commission under section  
35 331.387 and adopted by the board. A transition plan adopted by

1 the board shall not be in effect for more than two years.

2 4. If a county provides emergency medical service under this  
3 section, no city, township, or other special purpose district  
4 located in the county shall provide emergency medical service  
5 except as allowed as part of a transition plan. Each city,  
6 township, and special purpose district that previously provided  
7 emergency medical service shall not be liable for the method,  
8 manner, or means by which the county provides emergency medical  
9 service.

10 5. *a.* Except as provided in paragraph "*b*", a county that  
11 provides emergency medical service under this section shall  
12 also provide emergency medical service to the areas of a city  
13 located outside the boundaries of the county if an area of that  
14 city also lies within the boundaries of the county.

15 *b.* Cities located in more than one county may opt out of  
16 compliance with the requirements of this section upon the  
17 approval of the city council and if all areas of that city are  
18 currently receiving emergency medical service by a different  
19 method authorized by law.

20 6. All real and personal property used to provide emergency  
21 medical service to areas of the county by a township, city, or  
22 special purpose district shall be transferred to the county  
23 if required by the transition plan. The county shall, if  
24 required in the transition plan, assume all of the outstanding  
25 obligations of the cities, townships, and special purpose  
26 districts attributable to providing emergency medical service  
27 in the county. If a city, township, or other special purpose  
28 district provides emergency medical service by agreement  
29 outside of the county's boundaries, the county shall continue  
30 to provide emergency medical service to that area subject to  
31 the agreement for ninety days after adoption of the transition  
32 plan or until expiration of the emergency medical services  
33 agreement, whichever is later.

34 7. Nothing in this section or section 331.387 shall be  
35 construed to limit a county's authority to provide emergency

1 medical service by agreement under chapter 28E.

2 8. A county providing emergency medical service under this  
3 section shall not impose any optional tax authorized under  
4 chapter 422D. A county ordinance imposing such an optional  
5 tax shall be repealed according to the requirements of chapter  
6 422D. Any remaining revenue in an emergency medical services  
7 trust fund under section 422D.6 shall then be transferred  
8 to the emergency medical service fund created under section  
9 331.424D.

10 9. If a county is providing emergency medical services  
11 under this section, the county shall continue to provide such  
12 services until an agreement is approved by each city and  
13 township in the county and by the board to provide and finance  
14 emergency medical service to all areas of the county by other  
15 methods authorized by law. Such an agreement shall include  
16 provisions for the distribution of personnel, equipment,  
17 assets, and obligations of the county to each city and township  
18 that is receiving emergency medical service from the county  
19 under this section.

20 Sec. 2. NEW SECTION. 331.387 **County emergency medical**  
21 **service commission.**

22 1. A county electing to provide emergency medical services  
23 under section 331.386 shall establish an emergency medical  
24 service commission. Each emergency medical service commission  
25 shall facilitate the delivery and funding of emergency medical  
26 service to residents of the county and may adopt the necessary  
27 rules and procedures or establish subcommittees for the  
28 implementation of this section and section 331.386.

29 2. a. The commission shall consist of all of the following:

30 (1) One member of the board.

31 (2) The mayor from each city located in whole or in part  
32 within the county, except those cities that opt out under  
33 section 331.386, subsection 5.

34 (3) Three residents of the county appointed by the board  
35 who possess operational and technical experience in providing

1 emergency medical service. The term for each appointee under  
2 this subparagraph shall be two years, and each appointee may be  
3 reappointed without limitation.

4 *b.* A member of the commission shall not appoint a designee  
5 to serve on the commission in the member's capacity.

6 *c.* Members of the commission shall not receive compensation,  
7 but they shall be reimbursed for their actual and necessary  
8 expenses incurred in the performance of their official duties.

9 3. Emergency medical services shall be paid from the  
10 emergency medical service fund under section 331.424D. The  
11 commission may purchase, own, rent, or maintain emergency  
12 medical service apparatus or equipment and provide housing  
13 for such equipment. The commission may employ and train  
14 emergency medical service personnel and other personnel and may  
15 perform all other acts necessary to carry out this section and  
16 section 331.386. If necessary, the commission shall plan and  
17 coordinate emergency medical service with the local emergency  
18 management commission and emergency management coordinator  
19 under chapter 29C and the joint E911 service board under  
20 chapter 34A.

21 4. The commission may anticipate the collection of taxes  
22 authorized by section 331.424D and for such purposes direct  
23 the county board to issue bonds under sections 331.441 through  
24 331.449, relating to essential county purpose bonds, except  
25 that the bonds are payable only from tax levies on property  
26 subject to the levy under section 331.424D.

27 5. Within sixty days after the commission is established,  
28 the commission shall submit a proposed transition plan to the  
29 board. The transition plan shall include all of the following:

30 *a.* A list of all personnel, equipment, facilities, and  
31 other available resources that may be utilized by the county  
32 to provide emergency medical service, including a list  
33 of additional personnel, equipment, facilities, and other  
34 resources that are needed to provide emergency medical service.  
35 The transition plan shall also include any necessary procedures

1 for the transfer of current city, township, and special purpose  
2 district personnel, equipment, and resources to the county.

3     *b.* Financial information, including lists of assets and  
4 obligations of the cities, townships, and special purpose  
5 districts that are currently providing emergency medical  
6 service in the county.

7     *c.* Procedures and a schedule for the transition of  
8 delivery and funding of emergency medical service, including  
9 the dissolution, modification, or termination of any special  
10 purpose districts or contracts that provide emergency medical  
11 service within the county. The transition plan shall also  
12 recommend procedures and a schedule for the discontinuance of  
13 any optional tax imposed by the county under chapter 422D.

14     *d.* A structure for administration, management, and  
15 employment of emergency medical service personnel, equipment,  
16 facilities, and resources.

17     *e.* Other transition provisions deemed relevant by the  
18 commission.

19     6. The board may amend the proposed transition plan prior  
20 to adoption, but if a transition plan is not adopted by the  
21 board within thirty days of submission, the transition plan  
22 as submitted by the commission shall be deemed to have been  
23 adopted by the board.

24     7. By January 15 of each year, the commission shall  
25 determine and submit annually to the board a proposed emergency  
26 medical service budget.

27     Sec. 3. NEW SECTION. 331.424D **Emergency medical service**  
28 **fund — property tax levy.**

29     1. A county that is providing emergency medical service  
30 pursuant to sections 331.386 and 331.387 shall establish an  
31 emergency medical service fund and may certify taxes for levy  
32 in the county not to exceed eighty cents per thousand dollars  
33 of the assessed value of all taxable property located in the  
34 county, except property located in a city that has opted out  
35 under section 331.386, subsection 5. The tax shall be set to

1 raise only the amount needed.

2 2. If the levy authorized under subsection 1 is insufficient  
3 to provide the services required under sections 331.386 and  
4 331.387, the board may levy an additional annual tax not  
5 exceeding twenty cents per thousand dollars of assessed value  
6 of the taxable property that is subject to the tax under  
7 subsection 1.

8 3. Of the levy authorized under subsections 1 and 2, the  
9 board may credit to a reserve account annually an amount not  
10 to exceed thirty cents per thousand dollars of the assessed  
11 value of the taxable property in the county for the purchase  
12 or replacement of supplies and equipment required to carry  
13 out the services specified in sections 331.386 and 331.387.  
14 Notwithstanding section 12C.7, interest earned on moneys  
15 credited to the reserve account shall be credited to the  
16 reserve account.

17 Sec. 4. Section 357F.12, Code 2011, is amended to read as  
18 follows:

19 **357F.12 Dissolution of district.**

20 1. Upon ~~Upon~~ Except as provided under subsection 2, upon petition  
21 of thirty-five percent of the resident eligible electors, the  
22 board may dissolve a district and dispose of any remaining  
23 property, the proceeds of which shall first be applied against  
24 outstanding obligations and any balance shall be applied to  
25 tax credit of property owners of the district. However, if  
26 the district is annexed, the board of supervisors may transfer  
27 the remaining property and balance to the city which annexed  
28 the territory. The board shall continue to levy a tax after  
29 dissolution of a district, of not to exceed twenty-seven cents  
30 per thousand dollars of assessed value on all the taxable  
31 property of the district, until all outstanding obligations of  
32 the district are paid.

33 2. The board shall dissolve or modify a district if required  
34 by a transition plan adopted pursuant to sections 331.386 and  
35 331.387.

1     Sec. 5. Section 357G.12, Code 2011, is amended to read as  
2 follows:

3     **357G.12 Dissolution of district.**

4     1. ~~Upon~~ Except as provided under subsection 2, upon petition  
5 of thirty-five percent of the resident eligible electors, the  
6 council may dissolve a district and dispose of any remaining  
7 property, the proceeds of which shall first be applied against  
8 outstanding obligations and any balance shall be applied to tax  
9 credit of property owners of the district. The council shall  
10 continue to levy a tax after dissolution of a district, of not  
11 to exceed twenty-seven cents per thousand dollars of assessed  
12 value on all the taxable property of the district, until all  
13 outstanding obligations of the district are paid.

14     2. The council shall dissolve or modify a district if  
15 required by a transition plan adopted pursuant to sections  
16 331.386 and 331.387.

17     Sec. 6. Section 357J.7, Code 2011, is amended by adding the  
18 following new subsection:

19     NEW SUBSECTION. 4. Notwithstanding the plan for  
20 dissolution of the district approved under section 357J.6, the  
21 board shall dissolve or modify a district if required by a  
22 transition plan pursuant to sections 331.386 and 331.387.

23     Sec. 7. Section 359.42, Code 2011, is amended to read as  
24 follows:

25     **359.42 Township fire protection service, emergency warning**  
26 **system, and emergency medical service.**

27     Except as otherwise provided in section 331.385, the  
28 trustees of each township shall provide fire protection service  
29 for the township, exclusive of any part of the township within  
30 a benefited fire district and may provide emergency medical  
31 service unless prohibited under section 331.386. The trustees  
32 may purchase, own, rent, or maintain fire protection service  
33 or emergency medical service apparatus or equipment or both  
34 kinds of apparatus or equipment and provide housing for the  
35 equipment. The trustees of a township which is located within

1 a county having a population of three hundred thousand or  
2 more may also establish and maintain an emergency warning  
3 system within the township. The trustees may contract with a  
4 public or private agency under chapter 28E for the purpose of  
5 providing any service or system required or authorized under  
6 this section.

7 Sec. 8. EFFECTIVE DATE. This Act takes effect January 1,  
8 2012.

9 EXPLANATION

10 Under current Code section 331.385, a county may, by  
11 resolution, assume the exercise of the powers of township  
12 trustees relating to emergency medical service for any township  
13 located in the unincorporated area of the county. This bill  
14 allows certain counties based on population limitations to  
15 provide emergency medical service for all incorporated and  
16 unincorporated areas of the county if each city located in  
17 whole or in part in the county, except those cities that opt  
18 out under the bill, each township in the county, and the board  
19 of supervisors enter into an agreement for the county to  
20 provide emergency medical service on a countywide basis.

21 The bill specifies the procedures for each county  
22 electing to provide emergency medical service, including the  
23 establishment of an emergency medical service commission  
24 consisting of one member of the board of supervisors, the  
25 mayor from each city located in whole or in part within the  
26 county, except those cities that opt out, and three residents  
27 of the county appointed by the board of supervisors who possess  
28 operational and technical experience in providing emergency  
29 medical service. The emergency medical service commission is  
30 responsible for submitting a transition plan to the board of  
31 supervisors for approval. A transition plan is required to  
32 include specified information relating to personnel, equipment,  
33 facilities, and other available resources that may be utilized  
34 or that may be needed by the county to provide emergency  
35 medical service, any necessary procedures for the transfer of

1 current city, township, and special purpose district personnel,  
2 equipment, and resources to the county, financial information,  
3 including lists of assets and obligations of the cities,  
4 townships, and special purpose districts that are currently  
5 providing emergency medical service in the county, procedures  
6 and a schedule for the transition of delivery and funding of  
7 emergency medical service, a structure for administration,  
8 management, and employment of emergency medical service  
9 personnel, equipment, facilities, and resources, and other  
10 transition provisions deemed relevant by the commission.

11 The commission is required to facilitate the delivery and  
12 funding of emergency medical service to residents of the county  
13 and is authorized to purchase, own, rent, or maintain emergency  
14 medical service apparatus or equipment and provide housing  
15 for such equipment. The commission may also employ and train  
16 emergency medical service personnel and other personnel, and  
17 may perform all other acts necessary to carry out its duties.  
18 By January 15 of each year, the commission shall submit  
19 annually to the board of supervisors a proposed emergency  
20 medical service budget. The commission may anticipate the  
21 collection of taxes authorized by new Code section 331.424D  
22 and for such purposes direct the county board of supervisors  
23 to issue bonds that are payable only from tax levies under new  
24 Code section 331.424D.

25 If a county provides emergency medical service under the  
26 bill, no city, township, or other special purpose district  
27 located in the county shall provide emergency medical service  
28 except as allowed as part of a transition plan. Cities located  
29 in more than one county may opt out of compliance with the bill  
30 upon the approval of the city council and if all areas of that  
31 city are currently receiving emergency medical service by a  
32 different method authorized by law.

33 The bill requires real and personal property used to provide  
34 emergency medical service to areas of the county by a township,  
35 city, or special purpose district to be transferred to the

1 county, if required by the transition plan, and requires the  
2 county to assume all of the outstanding obligations of the  
3 cities, townships, and special purpose districts attributable  
4 to providing emergency medical service in the county, if  
5 required by the transition plan. A county providing emergency  
6 medical service under the bill is prohibited from imposing any  
7 optional tax authorized under Code chapter 422D.

8 A county providing emergency medical services under the bill  
9 shall continue to provide such services until an agreement is  
10 approved by each city and township in the county and by the  
11 board of supervisors to provide and finance emergency medical  
12 service to all areas of the county by other methods authorized  
13 by law.

14 The bill authorizes a county that is providing emergency  
15 medical service under new Code sections 331.386 and 331.387 to  
16 establish an emergency medical service fund and may certify  
17 taxes for levy in the county not to exceed 80 cents per \$1,000  
18 of the assessed value of all taxable property located in the  
19 county, except the property located in a city that has opted  
20 out. If such levy is insufficient to provide the services  
21 needed, the board of supervisors may levy an additional annual  
22 tax not exceeding 20 cents per \$1,000 of assessed value. Of  
23 the total amount levied, the board of supervisors may credit  
24 to a reserve account annually an amount not to exceed 30 cents  
25 per \$1,000 of the assessed value of the taxable property in  
26 the county for the purchase or replacement of supplies and  
27 equipment required to carry out the requirements of the bill.

28 The bill also includes provisions relating to the  
29 dissolution, modification, or termination of certain special  
30 purpose districts, as defined in the bill, optional taxes, and  
31 contracts previously used to provide emergency medical service  
32 within the county.

33 The bill takes effect January 1, 2012.